

## **REMARKS**

Claims 19-21, 24-27 and 29-32, 34, 36-40 and 42-44 are pending in the present application. By this Amendment, Claims 18, 27, 36 and 42 are amended; Claims 35 and 41 are canceled; and Claims 43-44 have been added. Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and the following remarks. Support for the amendments to the claims may be found, in part, at page 13, lines 5-9 of the specification.

### **I. FORMAL MATTERS**

#### **Examiner Interview**

Applicants wish to thank Examiner Cross for the courtesies extended to Applicants' representative during a personal interview with Examiner Cross on February 24, 2005. During the interview, Applicants' representative discussed Applicants' claimed invention and the prior art of record.

Specifically, in regards to Applicants' claimed invention, it was respectfully submitted that the prior art of record did not was not directed to kits for testing urine samples. Several claim features were discussed in regards to differences between kits for fecal samples, such as those disclosed in Levine, and kits for testing urine samples, such as claimed by Applicants.

It is respectfully submitted that this Response provides the substance of the personal interview conducted February 24, 2005.

### **II. PRIOR ART REJECTIONS**

#### **Claim Rejections Under 35 U.S.C. §103 (a)**

Claims 19-21, 24-27 and 29-32 and 34-42 stand rejected under 35 U.S.C. §103 (a) as being unpatentable over European Publication No. 0022377 to Levine (hereafter "Levine") in view of U.S. Patent No. 4,521,520 to Jacke (hereafter "Jacke"). This rejection is respectfully traversed.

Levine provides a device for obtaining stool samples. According to the Examiner, Levine discloses a device for obtaining a biological sample having a handle (4) and a collection end (8) having an opening (6) that may serve to facilitate removing a portion of the absorbent pad containing the sample. There is also an absorbent pad (10) on the collection end of the

device. The examiner acknowledges that Levine fails to teach polyvinyl alcohol (PVOH) as the absorbent material for the pad (10).

Jacke provides a method for in house occult blood testing. According to the Examiner, Jacke discloses a device for obtaining a biological sample. The device includes a handle end having an absorbent pad attached to the collection end, wherein the absorbent pad is PVOH.

It is respectfully submitted that the combination of Levine and Jacke fails to teach or suggest Applicants' claimed invention. Levine fails to teach or suggest Applicants' invention as claimed. Applicants' invention, as claimed, is directed to collecting liquid biological samples, such as urine. Levine is directed to stool samples. Applicants' claimed invention includes features and items that would not be used to collect a stool sample, such as an extraction agent for extracting the urine sample or the dried urine sample itself. As no extraction agent would be needed for a stool sample, it is respectfully submitted that there would be no motivation to add such an extraction agent to the Levine device. As such, it is respectfully submitted that Levine fails to teach or suggest Applicants' claimed invention.

It is respectfully submitted that Jacke fails to remedy the deficiencies of Levine. As stated by the examiner, Jacke is used to teach the use of PVOH in a material for collecting biological samples. While Applicants respectfully submit that it would not have been obvious to substitute PVOH for the pad material in Levine due to the fact that this would interfere with one of the stated properties of the Levine device (the ability to retain the sample during mailing), it is respectfully submitted that Jacke is directed to collecting occult blood samples, and not urine samples. Therefore, Jacke also does not provide any motivation to provide an extraction agent to remove urine as those extraction agents capable of extracting urine would not necessarily extract blood. As such, Jacke fails to remedy the deficiencies of Levine and, accordingly, it is respectfully submitted that the combination of Levine and Jacke fails to teach or suggest Applicants' claimed invention.

For at least the reasons given above, Applicants respectfully submit that Claims 19 and 27 are allowable over the prior art of record. Furthermore, as Claims 20-21, 24-26, 29-32, 34, 36-40 and 42 recite additional claim features and depend from Claim 19 or Claim 27, these claims are also allowable over the prior art of record.

### **III. CONCLUSION**

For at least the reasons given above, Applicants submit that Claims 19-21, 24-27 and 29-32, 34, 36-40 and 42-44 define patentable subject matter. Accordingly, Applicants respectfully request allowance of these claims.

The foregoing is submitted as a full and complete Preliminary Amendment in conjunction with the Request for Continued Examination mailed March 21, 2005, and early and favorable consideration of the claims is requested.

Should the Examiner believe that anything further is necessary in order to place the application in better condition for allowance, the Examiner is respectfully requested to contact Applicant's representative at the telephone number listed below.

Please charge the fee of \$510.00 for a three-month extension of time and the fee for the Request for Continued Examination of \$395.00 to Deposit Account No. 50-0951. No additional fees are believed due; however, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 50-0951.

Respectfully submitted,

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